

REMARKS

This paper responds to the final office action dated July 2, 2007. Reconsideration is hereby requested in view of these remarks.

1. Status of the Claims

Claims 25-40 remain pending in this application. The prior rejections over Kamijo and Cranfil have now been withdrawn. Independent claims 25 and 33 are now rejected under 35 U.S.C. 102(e) as being anticipated by Kraft (US 2002/0107009). This new rejection is traversed for the reasons set forth herein.

2. Kraft does not anticipate claims 25 or 33

Claim 25 recites a method of processing a voice call at a mobile device comprising the acts of: (1) storing a safe volume profile at the mobile device associated with a handsfree mode of operation, *the safe volume profile providing a default volume setting selected to reduce the risk of damage to a user's hearing if the mobile device is operated in close proximity to the user's ear while in the handsfree mode of operation*; (2) answering an incoming call with the mobile device; (3) selecting one of a plurality of operational modes other than the handsfree mode of operation to process the incoming call in a first selected operational mode having an associated regular volume profile that is higher than the default volume setting of the safe volume profile; (4) *switching the mobile device from the first selected operational mode to a handsfree mode of operation while processing the incoming call*; and (5) *operating the mobile device in the handsfree mode of operation according to the safe volume profile so as to protect the hearing of the mobile device user*.

As clearly seen in claim 25, the purpose of the method is to protect the hearing of a mobile device user when the mobile device is switched from a first selected operational mode to

a handsfree mode of operation. For example, as described at paragraphs [0021] and [0024] of the publication of the present application (US 2005/0026568), the mobile device may include a receiver (*i.e.*, a speaker) which has a limited volume setting and is generally not suitable for handsfree operation as it is designed to be placed in close proximity to the user's ear, and the mobile device may also have its own speakerphone device including a loudspeaker that generates a larger acoustic output signal than the receiver so that the user can hear the call even when the mobile device is placed away from the user's ear. It is in this "handsfree" or "speakerphone" mode of operation that the method of claim 25 is directed, and in particular is designed to protect the hearing of the user when the user switches the mobile device from the first selected operational mode to the handsfree mode of operation.

More specifically, the method of claim 25 defines a "safe volume profile" that is associated with the handsfree mode of operation, and which stores a default volume setting selected to reduce the risk of damage to the user's hearing if the mobile device is operated in close proximity to the user's ear – *i.e.*, the speakerphone's loudspeaker is at or near the user's ear. Then, when an incoming voice call is received and processed by the mobile device, a first selected operational mode, other than the handsfree mode, is selected and the mobile device is set to a regular volume profile that is higher than the default volume setting of the safe volume profile, the regular volume profile being more suited for use when the mobile device is placed in proximity to the user's ear – *i.e.*, with the receiver speaker providing its limited volume output. If the mobile device is then switched to the handsfree mode of operation while processing the incoming call, the device will be automatically switched to the safe volume profile in order to protect the hearing of the mobile device user.

Kraft does not teach this methodology. First, Kraft isn't even directed to protecting the hearing of a mobile device user. There is simply no disclosure whatsoever in Kraft that relates to a method of reducing the risk of damage to a user's hearing when operating a mobile device, nor is there any discussion in Kraft of a mobile device having a speakerphone. In addition, because Kraft does not disclose a speakerphone integral to the mobile device, it therefore has no teaching of a "safe volume profile" for operating the handsfree device. And finally, there is no discussion in Kraft of switching the mobile device between two distinct modes of operation, while processing an incoming call, and then automatically operating the mobile device at the safe volume profile to protect the user's hearing.

The portions of Kraft relied upon in the final office action – paragraphs 0036, 0037, 0005, 0022, table 1 and Figure 2 – collectively teach a portable phone having multiple modes of operation in which the sound volume can be programmed at five distinct levels. Although mentioning a "hands-free" capability in paragraph 0022, this does not appear to be a speakerphone type connection but rather a head set mode of operation. What's missing from these portions of Kraft is any discussion of protecting the user's hearing by switching the mobile device to a safe volume profile setting upon selecting the handsfree mode of operation and also of doing this while processing the incoming voice call. Without this teaching, Kraft does not anticipate claim 25 and therefore the rejection under 35 U.S.C. 102(e) should be withdrawn.

Independent claim 33 and the remaining dependent claims are likewise distinguishable from Kraft.

This application is now in condition for allowance.

Respectfully submitted,
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A handwritten signature in cursive script, reading "David B. Cochran". The signature is written in dark ink and is positioned above a horizontal line.

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